

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NALANA OMEGA,

Petitioner,

v.

MICHAEL PALLARES,

Respondent.

No. 2:22-cv-0178-KJM-EFB (HC)

ORDER

Petitioner is a state prisoner proceeding without counsel in this action for habeas brought pursuant to 28 U.S.C. § 2254. She requests an extension of time to respond to the pending motion to dismiss. ECF Nos. 15 & 17. She also requests that the court appoint counsel. ECF No. 15.

There currently exists no absolute right to appointment of counsel in habeas proceedings. *See Nevius v. Sumner*, 105 F.3d 453, 460 (9th Cir. 1996). The court may appoint counsel at any stage of the proceedings “if the interests of justice so require.” 18 U.S.C. § 3006A; Rule 8(c), Rules Governing § 2254 Cases. The court finds that the interests of justice would not be served by the appointment of counsel at this time. The court will, however, grant petitioner another 30 day extension of time to respond to the motion to dismiss (ECF No. 10).

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Accordingly, it is ordered that:

1. Petitioner's request for appointment of counsel (ECF No. 15) is denied without prejudice.
2. Petitioner's request for an extension of time to respond to the motion to dismiss (ECF Nos. 15 & 17) is granted. Within 30 days of the date of this order, petitioner shall file either an opposition to the motion to dismiss or a statement of no opposition. Failure to comply with this order will result in a recommendation that this action be dismissed without prejudice.

Dated: July 19, 2022.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE